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a California corporation*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EILEEN FOSTER, on behalf of
herself and all others similarly
situated,

Plaintiffs,

vs.

WAL-MART STORES, INC., a
Delaware corporation, SAM'S
WEST, INC., a California
corporation, and DOES 1 through
100,

Defendants.

CASE NO.: C06-07272 SC (ADR)

CLASS ACTION COMPLAINT

**JOINT STIPULATION TO EXTEND
TIME FOR DEFENDANTS TO
RESPOND TO THE COMPLAINT;
AND ~~[PROPOSED]~~ ORDER**

1 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE ATTORNEYS OF
2 RECORD, HEREBY STIPULATE AS FOLLOWS:

3 The parties to this action respectfully move this Court for an extension of time for
4 Defendants to answer, move or otherwise respond to Plaintiffs' complaint, pending
5 transfer of this matter to a Multi-District Litigation ("MDL") proceeding pending in Las
6 Vegas, Nevada. As grounds for this Motion, Defendants state as follows:

7 1. Plaintiffs filed their Complaint in this action on November 27, 2006.
8 Defendants' answer or other response to the Complaint is due on or before December 21,
9 2006.

10 2. On November 29, 2006, Plaintiffs filed a Notice of Related Action with the
11 MDL Panel seeking to transfer this case to be part of a multi-district litigation
12 proceeding, *In re Wal-Mart Employment Practices Litigation*, MDL Docket # 1735,
13 pending in Las Vegas, Nevada.

14 3. Defendants believe that this case will be transferred to MDL Docket # 1735
15 in the near future.

16 4. The Court in MDL Docket # 1735 has entered an order which provides that
17 answers, motions or other responsive pleadings to complaints that are already part of an
18 MDL Docket # 1735 or which will be transferred to MDL Docket # 1735 in the future,
19 are not due until a date to be set by that Court after it rules on a pending Motion to
20 Dismiss. A copy of the Order is attached hereto as Exhibit A.

21 5. In light of the pending request for transfer, and in light of the MDL Court's
22 Order regarding the deadline for Defendants to file responsive pleadings, Defendants
23 respectfully request that the deadline for Defendants to answer, move or otherwise
24 respond to the Complaint in this case be deferred until after this case has been transferred
25 to MDL Docket # 1735 in Nevada.

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WHEREFORE, the parties respectfully request that this Motion be granted and the answer or other responsive pleading not be due until after transfer to MDL Docket #1735.

DATED: December 21, 2006 FURTH LEHMANN & GRANT LLP

By /s/
Jessica L. Grant

Attorneys for Plaintiff EILEEN FOSTER, on
behalf of herself and all others similarly situated

DATED: December 21, 2006 GREENBERG TRAURIG, LLP

By /s/
Michael Drury

Attorneys for WAL-MART STORES, INC., a
Delaware corporation, SAM'S WEST, INC., a
California corporation

IT IS ORDERED THAT Defendants, WAL-MART STORES, INC., a Delaware corporation and SAM'S WEST, INC., a California corporation, are granted an extension of time in which to respond to Plaintiffs' Complaint in the above matter until the case is transferred MDL Docket #1735.

DATED: 1/4/07

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

By Honorable Samuel Conti

